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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,774	03/22/2004	Denise Loporcara	5530	7790

7590 11/18/2004  
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EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT PAPER NUMBER

3724

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/804,774

Applicant(s)

LOPORCARO, DENISE

Examiner

Omar Flores-Sánchez

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 6-10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petroff (4825544) in view of Adachi (6651345).

Petroff discloses (Fig. 1-20) the invention substantially as claimed including a pair of scissors 1, a releasably openable closed case housing (39 and 40), the carry case is closed at one end (see Fig. 20, the closed bottom of the cover 40), a flip-open cover 40 (see Fig. 20, the open top of the cover), a pair of first/curved wall surfaces (see Fig. 13, the bottom wall of part 39), a pair of second/straight wall surfaces (see Fig. 13, the side walls of cover 40), an end extension 32 (see Fig. 5) and a hinge (see, Fig.3). Petroff does not show teeth serrations. However, Adachi teaches the use of teeth serrations (Fig. 1-33) for the purpose of increasing the cutting performance by having a non-slip state. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Petroff's scissors by providing the teeth serrations as taught by Adachi in order to increase the cutting performance by having a non-slip state.

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3. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petroff (4825544) in view of Adachi (6651345) as applied to claim 1 above, and further in view of Park (5857268).

The modified device of Petroff discloses the invention substantially as claimed except for a length not in excess of six inches and a width not in excess of four inches. However, Park teaches the use of a pocket tool with a length not in excess of six inches and a width not in excess of four inches for the purpose of easy carrying the tool in the pocket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Petroff's housing by providing the length not in excess of six inches and the width not in excess of four inches as taught by Park in order to carry the tool in the pocket.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petroff (4825544) in view of Adachi (6651345) as applied to claims 1, 6-9 and 10 above, and further in view of Linden (4714159).

The modified device of Petroff discloses the invention substantially as claimed except for a plastic composition. However, Linden teaches the use of a plastic composition (see col.2, line 28) for the purpose of reducing manufacturing cost. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Petroff's housing by providing the plastic composition as taught by Linden in order to reduce manufacturing cost.

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5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petroff (4825544) in view of Adachi (6651345) as applied to claims 1, 6-9 and 10 above, and further in view of Levsen (6082559).

The modified device of Petroff discloses the invention substantially as claimed except for a stainless steel composition. However, Levsen teaches the use of a stainless steel composition (see col. 3, line 22) for the purpose of having a stiff case. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Petroff's housing by providing the stainless steel composition as taught by Levsen in order to obtain a stiff cover.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gunson, Fethke et al., Gross and Elsener et al. are cited to show related device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 703-308-0167. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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November 13, 2004



KENNETH E. PETERSON  
PRIMARY EXAMINER